THE MADRAS CITY POLICE ACT, 1888.

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MADRAS ACT No. III OF 1888.[1]

[THE MADRAS CITY POLICE ACT, 1888.]

[12*th April* 1888 ; 26*th June* 1888.]

An Act to regulate the Police of the City of Madras.

WHEREAS it is expedient to amend and consolidate the provisions of the laws for regulating the Police of the City of Madras ; It is enacted as follows :— Preamble.

1. (1) This Act may be cited as the Madras City Police Act, 1888. Short title.

(2) It extends to the whole of the City of Madras as defined in section 3. Local extent.

[2][(3) * * * * * * * * *]

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act,* 1901 (*Central Act XI of* 1901).

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation clause.

" City of Madras " includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras : " City of Madras."

" Commissioner " means the Commissioner of Police for Madras [3] [referred to in] section 5 : " Commissioner."

" conviction " means the conviction of the accused person before a Presidency Magistrate : " Conviction."

" imprisonment " means imprisonment of either description as defined in the Indian Penal Code : " imprisonment."

Central Act XLV of 1860.

" common gaming house " means any enclosure, room or place, in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such enclosure, room or place, whether by way of charge for the use of instruments of gaming or of the enclosure, room or place, or otherwise howsoever : [4] [and includes any enclosure, room or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming on a horse race.] " Common gaming house."

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 8th November 1887, p. 17 ; for Report of the Select Committee, *see ibid*, dated 31st January 1888, p. 1 ; for Proceedings in Council, *see ibid*, dated 29th November 1887, p. 2, and *ibid*, dated 27th March 1888, p. 8.

[2] The words " It shall come into force at once " were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901)—Third Schedule, Part III.

[3] These words were substituted for the words " appointed under " by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] These words were added by section 2 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

"Gaming." [1] ["Gaming" does not include a lottery but includes wagering or betting.

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution.]

"Instruments of gaming." [2] ["Instruments of gaming" include any article used or intended to be used as a subject or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

"Public places." [3] ["public place" means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.]

"Cattle." "cattle" includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants.

"Subordinate ranks." [4] ["subordinate ranks" means the ranks inferior to that of Assistant Commissioner.]

Police Superannuation Fund. **4.** Nothing in this Act contained shall operate to deprive any person who, on the first day of September, 1867, was a subscriber to the Town Police Superannuation Fund constituted under Act XIII of 1856 [5] [of any of the privileges which he would have had under sections 18 and 19 of that Act].

Administration vested in the Commissioner of Police. **5.** The administration of the Police of the City of Madras shall be vested in an officer to be styled the Commissioner of Police for Madras [6] [* * *].

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[1] This definition of "Gaming" was substituted by section 2 of the Madras City Police and Gaming (Amendment) Act, 1949 (Madras Act VII of 1949), for that definition as substituted for the original definition by section 2 (i) of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] This definition of "Instrument of gaming" was substituted for the original definition by section 2 (ii) of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[3] This was inserted by section 2 (i) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[4] This was inserted by the Adaptation Order of 1937.

[5] Repealed in the Madras Presidency by Madras Act VIII of 1867 which was repealed by Madras Act III of 1888.

[6] The words "who shall from time to time be appointed by the Governor in Council of Fort St. George and may be removed by the same authority" were omitted by the Adaptation Order of 1937.

Administration of Police employed at railway stations, etc., may be vested in the Inspector-General of Police.

[1][Provided that the [2] [State Government) may, by notification in the [3] (Official Gazette) which [4] (they) may cancel or vary, at any time direct that the administration of such of the Police within the City of Madras as are or may be employed at any railway stations or on any railway premises or within the limits of any railway or part of any railway situated within the limits of the City of Madras, shall be vested in the Inspector-General of Police, and from and after the issue of such notification the powers under this Act of the Commissioner and of his deputies or assistants in respect of such Police shall cease, and the Inspector-General of Police and under his control such officers as shall be appointed by the [2] (State Government) to be Superintendent or Assistant Superintendent of Railway Police, shall as regards such Police exercise all the powers of the Commissioner of Police under this Act, save that the power conferred on the Commissioner by section 10 shall, in respect of such Police, be exercised by the Inspector-General of Police alone.]

Appointment of Deputies or Assistants to the Commissioner.

6. The Government may, from time to time, appoint one or more Deputies or Assistants to the Commissioner, who shall be competent to perform any of the duties or exercise any of the powers assigned to that officer as Commissioner under his orders. [5][* *]

Commissioner's powers as Magistrate.

7. The Commissioner shall by virtue of his office be a Presidency Magistrate, but shall exercise his powers as Magistrate subject to such orders as may from time to time be issued by the [2] [State Government]: Provided that he shall not exercise any powers under Chapters XVIII, XX or XXI of the Code of Criminal Procedure, 1882.[6]

Commissioner and his Deputies and Assistants to be Justices of the Peace.

8. The Commissioner, his Deputies and Assistants, shall by virtue of their office be Justices of the Peace ; but shall act as such only so far as may be necessary for the preservation of the peace, for the prevention of offences, for the detection, apprehension and detention of offenders, and for the performance of the duties assigned to the Commissioner by this Act.

Constitution of Police-force.

9. For the City of Madras, there shall be a Police-force which shall consist of such number of officers and men and shall be otherwise constituted in such manner as shall from time to time be ordered by the [2] [State Government].

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[1] This was added by section 1 of Madras Act III of 1898. As to the control by the Inspector-General of Police of the City Police, *see* Madras Act III of 1907.

[2] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[4] This word was substituted for the word " he " by *ibid.*

[5] The sentence " Any Deputy or Assistant Commissioner may be removed by order of the Governor in Council " was omitted by *ibid.*

[6] *See* now Central Act V of 1898.

[1] [Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of the Police force shall be such as may be determined by the [2] [State] Government.]

Rules for the government of the force to be made by the Commissioner subject to the control of the State Government.

10. The Commissioner may, from time to time, subject to the control of the [3] [State Government] frame orders and regulations for the general government of the force.

Commissioner may dismiss, suspend, reduce, etc., members of the subordinate ranks of the force.

11 [4] [The Commissioner] may, at any time, [5] [subject to the provisions of Article 311 of the Constitution and to the control of the [1][State Government], [6] [dismiss, suspend or reduce to a lower post or time-scale or to a lower stage in a time-scale], any member [7](of the subordinate ranks of the Police-force) and may order the recovery from the pay of any such member, of the whole or part of any pecuniary loss caused to Government by his negligence or breach of orders.]

Members of the force to receive certificates of enrolment.

12. Every member of the force shall receive on enrolment a certificate in the following form under the signature of the Commissioner :—

FORM.

"*A.B.* has been appointed a member of the Madras City Police-force and is invested with the powers, functions and privileges of a Police-officer."

By virtue of such certificate he shall be vested with the powers, functions and privileges of a Police-officer, and such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise ceases to be employed in the force.

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[1] This was inserted by the Adaptation Order of 1937.

[2] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] These words were substituted for the words "The appointment of the members of the force shall rest with the Commissioner, and he" by the Adaptation Order of 1937.

[5] These words and figures were substituted for the words "subject to the control of the State Government" by the Adaptation (Third Amendment) Order of 1951.

[6] These words were substituted for the words "fine, suspend, reduce or dismiss any member thereof; provided that no fine shall exceed one month's pay" by section 3 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[7] These words were substituted for the word "thereof" by the Adaptation Order of 1937.

Members of the subordinate ranks of the force not to resign without leave or notice.

13. No member [1][of the subordinate ranks] of the force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, without the written permission of the Commissioner or until after the expiry of two months from the date of his giving to the Commissioner a notice in writing of his intention to do so; and every member [1][of the subordinate ranks] of the force, who shall so resign or withdraw himself, shall be liable, at the discretion of the Commissioner, to forfeit the whole or part of any arrears of pay then due to him; and shall in addition be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months, or to both.

Member ceasing to belong to the force to deliver up certificate, clothing, accoutrements, etc.

14. Every member of the force shall, on ceasing to belong thereto, forthwith deliver up to the Commissioner, or to such person and at such time and place as shall be directed by the Commissioner, his certificate and all clothing, accoutrements and other articles supplied to him for the execution of his duty, and in default thereof shall be liable on conviction to fine not exceeding two hundred rupees, or to imprisonment not exceeding six months, or to both. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements and other articles which shall not be delivered up, wherever the same may be found.

Penalty for neglect or violation of duty.

15. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the force, besides being suspended or dismissed from his employment as hereinbefore provided, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

Police enrolled under Central Act XXIV of 1859 to have powers of Police in the City of Madras.

16. Every Police-officer appointed under the provisions of Act XXIV of 1859 may at any time be employed in the City of Madras, and whilst so employed shall have the same duties, powers and privileges, and be subject to the same authority, as Police-officers appointed under this Act.

Appointment of special police-officer.

17. The Commissioner may, of his own authority, appoint any able-bodied male person between the ages of eighteen and fifty-five to be a [2][special police-officer] to assist the Police-force on any temporary emergency. [3][Every special Police-officer so appointed shall receive a certificate in such form

[1] These words were inserted by the Adaptation Order of 1937.

[2] These words were substituted for the words "special constable" by section 4 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[3] This sentence was added by *ibid.*

as the [1] (State Government) may determine under the signature of the Commissioner.]

Powers of special police-officer.

18. Every [2] [special police-officer] so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, amenable to the same penalties, and subordinate to the same authorities, as the ordinary officers of police.

Penalty for special police-officer neglecting or refusing to serve.

19. If any person being appointed a [2] [special police-officer] as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable on conviction to fine not exceeding fifty rupees.

Powers to quarter additional Police in disturbed parts of the City.

20. It shall be lawful for the Commissioner, with the sanction of the [3] [State Government] to be notified in the [4] [Official Gazette] and in such other manner as [5] [the State Government] may direct, to employ any Police-force in excess of the ordinary fixed complement to be quartered in any street or in any part of the City of Madras which shall be found to be in a disturbed or dangerous state, or in any part of the said city in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the street or part of the city described in the notification shall be charged with the cost of such additional Police-force, or with such part thereof as [6] [the State Government] may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants, according to his judgment of their respective means.

Power to appoint additional police officers.

[7] [**21.** (1) On the application of any person and at his charge, the [8] [State Government] may, for the purpose of keeping the peace or preserving order at any place or of

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "special constable" by section 5 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[5] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[7] This section was substituted for the original section 21 by section 6 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[8] The words "Provincial Government" were substituted for the word "Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

enforcing the provisions of this or of any other Act in respect of any specified class of offences, appoint additional police-officers of such rank or grade, on such pay, if any, and for such time, as [1] (they) may think fit :

Provided that on the expiry of one month from the receipt of notice in writing from the applicant or his representative or on the expiry of such shorter period as the [2] [State Government] may fix, the [2] [State Government] shall discontinue police-officers so appointed.

(2) Every additional police-officer so appointed—

(*a*) shall receive a certificate in such form as the [3] [State Government] may determine, under the signature of the Commissioner ; and

(*b*) shall have such of the powers and duties of an ordinary police-officer of like rank as are specially mentioned in the certificate referred to in clause (*a*) and shall, in the exercise or performance thereof, have the same protection and privileges, be amenable to the same penalties, and be subordinate to the same authorities as such officer.]

Recovery of moneys due.

22. All sums of money payable under the last two preceding sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

Duties of Police-officers.

23. Every Police-officer shall, for the purposes of this Act, be considered to be always on duty. He shall not engage, without the written permission of the Commissioner in any duty other than his duties under this Act. It shall be his duty to use his best endeavours and ability to prevent offences and public nuisances ; to preserve the peace ; apprehend disorderly and suspicious characters ; to detect and bring offenders to justice ; to take charge of all unclaimed property ; to seize and impound stray cattle ; to collect and communicate intelligence affecting the public peace, and promptly to obey and execute all orders and warrants lawfully issued to him ; and it shall be lawful for every Police-officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, gaming-house or other place of resort of loose or disorderly characters.

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[1] This word was substituted for the word " he " by the Adaptation Order of 1937.

[2] The words " Provincial Government " were substituted for the word " Commissioner " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

Police-officer and Agent of the Society for the Prevention of Cruelty to Animals may arrest without warrant on view of offence.

[1][24. (1)] Any Police-officer may arrest without a warrant any person committing in his view any offence made punishable by this Act:

[2][Provided that no Police-officer below the rank of Sub-Inspector shall make any such arrest in respect of an offence punishable under section 71-M.]

[3][(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the [4][State] Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 53 ; [5](* * * * *)].

[6][(3) The agent shall have power to release any person so arrested on his executing a bond with or without sureties, for his appearance before a Magistrate if and when required.

Central Act, V of 1898.

(4) The provisions of the Code of Criminal Procedure, 1898, shall apply to any arrest made or bond taken under this section as if the arrest has been made, or the bond had been taken, under the said Code.]

Apprehension of offenders by private individual.

25. Whoever commits an offence affecting the person or property of another may, if his name and address be unknown, be apprehended by the person injured or in charge of the property concerned, or by any person acting in aid of such person, and may be detained until he gives his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police-officer.

Powers to search for stolen property in certain cases without warrant.

26. Any Police-officer above the rank of constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling-house or other place, and is likely to be removed before a search-warrant can be obtained, may search such house or place subject to the general provisions in the Code of Criminal Procedure, 1882,[7] relating to searches.

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[1] Original section 24 was renumbered as section 24 (1) by section 2 of the Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Madras Act XX of 1942), re-enacted permanently with specified modifications by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] This proviso was added by section 2 (i) of the Madras City Police (Amendment) Act, 1949 (Madras Act XLII of 1949).

[3] This sub-section was added by section 2 of the Madras City Police Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Madras Act XX of 1942), re-enacted permanently with specified modifications by the Second Schedule to the Madras Reenacting Act, 1949 (Madras Act X of 1949).

[4] The word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

[5] The words and figures "and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police-officer" were omitted by the Second Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[6] Sub-sections (3) and (4) were inserted by *ibid.*

[7] *See* now Central Act V of 1898.

Seizure of property regarding which an offence is suspected.

27. Any Police-officer may seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence ; and such seizure shall be forthwith reported to the Commissioner, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Pawn brokers, etc., to report stolen property if tendered for pawn or sale.

28. Any officer of Police may deliver to any pawnbroker, dealer in secondhand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawnbroker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale, or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police-station the fact of such article having been offered and such name and address as may be given by the party offering it. Any pawnbroker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawnbroker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the Police.

Power to fix periods within which stray dogs may be killed.

29. The Commissioner may, by order in writing, to be affixed at the principal police-stations and also to be published in some public newspaper, appoint, from time to time, certain periods within which any dogs found straying and unmuzzled may be destroyed.

Power to take charge of, and deliver to party entitled to, movable property under two hundred rupees in value, of persons dying intestate.

30. Whenever any person dies intestate leaving movable property within the City of Madras under two hundred rupees in value, such property may be taken charge of by the Police, and it shall be lawful for the Commissioner to order the said property to be delivered, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title and upon such terms as he may think fit, to any person who may appear to him to be entitled thereto ; [1] and such delivery shall be a full discharge to the Commissioner, and to the [2] [Government] from all liability in respect of such property.

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[1] As to saving of this provision from the operation of the General Succession Law, *see* the Administrator-General's Act, 1913 (Central Act III of 1913), s. 55.

[2] The word "Crown" was substituted for the words "Secretary of State for India" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

Certain provisions of Code of Criminal Procedure, 1882, to apply.

31. The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1882,[1] shall, as nearly as may be practicable, apply to all property seized or taken charge of by the Police. Central Act X of 1882.

Commissioner to keep standard weights and measures.

32. The Commissioner shall keep in his office such standard weights and measures [2] as may be from time to time prescribed or declared to be correct by the [3] [State Government]; and weights and measures shall be held to be false when they do not agree with such standards; and on conviction being had under Chapter XIII of the Indian Penal Code, the weights and measures which formed the subject-matter of the charge shall be forfeited and destroyed. Central Act XLV of 1860.

Power of Police to enter shops to inspect weights, etc.

33. Any Police-officer above the rank of constable may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing or measuring kept or used therein, and may seize any weight, measure or instrument for weighing or measuring which he may have reason to believe is false.

Places of public resort to be licensed.

34. No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner.

Eating-houses, hotels, wine shops, fencing schools, etc., to be licensed.

35. No enclosed place or building shall be used as an eating-house, coffee-house, boarding-house, lodging-house, hotel, tavern, wine, beer or spirit shop, arrack or toddy shop, gymnasium or fencing-school, or for the sale or consumption of any intoxicating drug or liquor,[4] without a licence from the Commissioner: Provided that nothing in this section shall apply to the sale in reasonable quantities of any drug or substance for medicinal purposes only, or to any gymnasium or fencing-school of any educational institution controlled or recognized by the [3] [State Government].

Conditions for issue of licences under sections 34 and 35.

36. Licences under the last two preceding sections may be granted by the Commissioner upon such conditions as he, subject to the control and direction of the [3] [State Government], may prescribe, and for such period not exceeding one year as may be stated in the licence: Provided that, in regard to any liquor or drug for the sale of which a licence is required under any law for the time being in force for the

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[1] *See* now Central Act V of 1898.

[2] As to standard measures, *see* the Measures of Length Act, 1889 (Central Act II of 1889), s. 7.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] As to sale of intoxicating drugs or liquors, *see* the Madras Abkari Act, 1886 (Madras Act I of 1886), Ch. IV.

regulation of the excise-revenue, a licence shall be granted by the Commissioner only to persons holding licence under such law and shall have force only while such licence subsists.

Penalty for omission to procure licence as required by section 34 or 35.

[1] [**37.** (1)] Whoever keeps or uses or permits to be kept or used any enclosed place or building requiring a licence under section 34 or 35, without having obtained a licence as therein required, shall be liable on conviction to fine not exceeding fifty rupees for every day on which such place or building is so used.

[2] [(2) Whoever—

(*a*) being the owner or occupier or having the use of any house, room or place, opens, keeps or uses the same for the purpose of gaming on a horse-race ; or

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid ; or

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid ; or

(*d*) advances or furnishes money for the purpose of gaming on a horse-race with persons frequenting any such house, room or place,

shall, on conviction, be punishable with imprisonment which may extend to seven months, or with fine which may extend to one thousand rupees, or with both :

Provided that in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one month and fine shall not be less than five hundred rupees.]

[2] [(3) Whoever is found in any house, room or place referred to in sub-section (2), gaming on a horse-race or present for the purpose of gaming on such race shall, on conviction, be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both.

Any person found in any such house, room or place during any gaming on a horse-race therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on a horse-race.]

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[1] Section 37 was renumbered as sub-section (1) of section 37 and sub-sections (2) and (3) were added by section 3 of the Madras City Police (Amendment) Act, 1929 (Madras Act XIII of 1929).

[2] Sub-sections (2), (3) and (4) were substituted for the original sub-sections (2) and (3) by section 3 of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[1][(4) Whoever is found gaming on a horse-race in any public street, or thoroughfare, or in any place to which the public have or are permitted to have access shall, on conviction, be punishable with fine which may extend to three hundred rupees, or with imprisonment which may extend to three months, or with both.]

Power to enter and inspect licensed places and unlicensed places believed to be used contrary to the Act.

38. The Commissioner may, by order in writing, authorize any Police-officer above the rank of constable, with such assistance as may be required, to enter and inspect any closed place or building licensed under section 36 at any time when it is open for the reception of persons resorting thereto, and may after recording his reasons in writing, likewise authorize any such officer to enter and inspect any place not licensed which the Commissioner has reason to believe to be used contrary to the provisions of section 34 or 35.

Power to make rules.

39. The Commissioner may make rules for ensuring order and decency and for the public safety at all places of public entertainment or resort, and for regulating the times during which the places referred to in sections 34 and 35 shall be allowed to be open or used, and from time to time may rescind or alter such rules; and in case of breach of any such rules or of the conditions of the licence granted under section 36, may order such places to be closed, and while such order is in force such places so ordered to be closed shall be deemed to be unlicensed places.

Service of copy of order on owner.

40. A copy of any order passed under the last preceding section shall be served on the owner, occupier or keeper of any such place as aforesaid, and if thereafter he does or permits any act in disobedience to such order, he shall be liable on conviction to imprisonment not exceeding three months, or to fine, or to both.

Prohibition of smoking in certain places where entertainments are held.

[2][**40-A.** (1) If any entertainment (including a cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall, during the prohibited period as defined in sub-section (2), smoke either—

(*a*) on the stage except in so far as smoking may be part of the entertainment, or

(*b*) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public;

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[1] Sub-sections (2), (3) and (4) were substituted for the original sub-sections (2) and (3) by section 3 of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[2] This section was inserted by section 2 of the Madras City Police and Places of Public Resort (Amendment) Act, 1951 (Madras Act XIII of 1951).

Provided that the State Government may, by notification in the *Fort St. George Gazette*, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the *Fort St. George Gazette*, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any Police-officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.]

Power to regulate processions in public places, keep order, etc.

41. The Commissioner, or, subject to his orders, any Police officer above the rank of head-constable, may, from time to time, as occasion may require, direct the conduct of all assemblies and processions in [1] [public places]; prescribe the routes by which and the times at which such processions may pass; keep order in [2] [public places] and prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship and in any case when [3] [public places] may be thronged or liable to be obstructed; and may, [4] [licence and regulate or prohibit the use of music or of sound amplifiers in public places]; and the Commissioner may prohibit any assembly or procession if he considers such prohibition to be necessary for the preservation of the public peace or public safety; and every person opposing or not obeying any order issued as aforesaid, or violating the conditions of any such licence, shall be liable on conviction to a fine not exceeding one hundred rupees.

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[1] These words were substituted for the words "the public roads, streets, or throughfares" by section 2 (ii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were substituted for the words "the public roads, streets, thoroughfares, landing places and all other places of public resort," by *ibid.*

[3] These words were substituted for the words "the roads, streets, thoroughfares, landing places or places of public resort" by *ibid.*

[4] These words were substituted for the words "licence and regulate the use of music in the streets" by section 2 (ii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the first Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

Commissioner may grant warrant to enter common gaming-house.

[1] [42. (1)] If the Commissioner has reason to believe that any [2] [place] is used as a common gaming-house, he may by his warrant give authority to any Police-officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day and by force if necessary, any such [2] [place] and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such [2] [place] and also the persons found therein.

[1] [(2) The Commissioner may, instead of issuing a warrant under sub-section (1), himself exercise all or any of the powers exercisable under such warrant.]

Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house.

43. Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any [2] [place] entered or searched under the provisions of the last preceding section, or on any person found therein, shall be evidence that such [3] [place] is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police-officer or any of his assistants.

Proof of playing for stakes unnecessary.

44. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, [3] [bet] or stake.

Penalty for opening, etc., a common gaming-house.

45. Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

Penalty for being found gaming in a common gaming-house.

46. Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month ; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

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[1] Section 42 was renumbered as sub-section (1) of section 42 and sub-section (2) was added by section 2 of the Madras City Police (Amendment) Act, 1933 (Madras Act VI of 1933).

[2] The word " place " was substituted for the words " enclosed place or building " by section 4 of the Madras City Police (Amendment) Act, 1929 (Madras Act XIII of 1929).

[3] The word " bet " was inserted by section 5, *ibid*.

Instruments of gaming may be ordered to be destroyed on conviction.

47. On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

Indemnification of witnesses.

48. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Saving of games of skill.

49. Nothing in sections 42 to 48 of this Act shall be held to apply to games of mere skill wherever played.

Prohibition of publications relating to horse-races.

[1] [**49-A.** (1) Whoever makes, prints or otherwise produces, publishes, sells, distributes or keeps for sale or distribution, any book, leaflet or other document containing news of acceptances for horse-races or purporting to give tips or any information which is likely to aid or facilitate wagering or betting on horse-races, shall be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both :

Provided that nothing contained in this sub-section, in so far as it relates to horse-races outside the [2] [State] of Madras, shall apply to any newspaper :

Provided further that in regard to horse-races within the [2] [State] of Madras—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the [2] [State] Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith,

may contain such information as may be permitted by rules made by the [2] [State] Government under sub-section (2).

Explanation.—For the purposes of this sub-section, 'newspaper' means any periodical work which contains public news or comments on public news and is published at intervals not exceeding one week, not being a work solely or mainly concerned with races.

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[1] Section 49-A was inserted by section 3 of the Madras City Police and Gaming (Amendment) Act, 1949 (Madras Act VII of 1949).

[2] This word was substituted for the word "Province" by the Adaptation Order of 1950.

(2) The [1][State] Government may, by notification in the *Fort St. George Gazette*, make rules for the purpose of carrying into effect the provisions of sub-section (1).]

Payment of portion of fine to informants and Police officers.

[2][**50.** The Magistrate may direct any portion, not exceeding one-half, of any fine which shall be levied under sub-section (2), (3) or (4) of section 37, section 45 or section 46, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 47, to be paid to such informants and Police-officers as may have assisted in the detection of the offender.

A direction under this sub-section may also be made by any Court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the Commissioner who shall distribute it among such of the informants and Police-officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the Commissioner until the expiry of three months from the date of the direction under sub-section (1) or if an appeal is presented within that period, until the appeal has been disposed of.]

Penalty for cheating at games.

51. Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in bearing a part in the stakes, wagers, [3][bets] or adventures, or in betting on the sides or hands of the players, or in wagering [3][or betting] on the event of any game, sport, pastime or exercise, wins from any other person for himself or for any other or others any sum of money or valuable thing [4][shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both].

Power to direct removal of persons from City in special cases.

[5][**51-A.** (1) Whenever the Commissioner is satisfied from information received or otherwise—

(*a*) that the movements or acts of any person in the City of Madras who has not been born in the said City or in the district of Chingleput, North Arcot or Nellore, are causing, or are calculated to cause, alarm, danger or harm to person

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[2] This section was substituted for the original section 50 by section 2 of the Madras City Police and Gaming (Amendment) Act, 1950 (Madras Act XXXV of 1950).

[3] The words "bets" and "or betting" were inserted by section 6 of the Madras City Police (Amendment) Act, 1929 (Madras Act XIII of 1929).

[4] These words were substituted for the words and figures "shall be deemed guilty of cheating punishable under section 417 of the Indian Penal Code" by section 7 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[5] This section was inserted by section 2 (iii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force or violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offence ; and

Central Act XLV of 1860.

(*b*) that witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part regarding the safety of their person or property,

the Commissioner may, by an order in writing signed by him, direct such person so to conduct himself as shall seem necessary to the Commissioner to prevent such alarm, danger or harm or the commission of such offence, or require such person to remove himself outside the said City, within such time as may be specified in the order.

Explanation.—For the purposes of this sub-section, the decision of the Commissioner as to whether a person has or has not been born in the City of Madras or in the district of Chingleput, North Arcot or Nellore shall be final.

(2) Before an order is passed against any person under sub-section (1), the Commissioner or any Deputy Commissioner authorized by him shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner or Deputy Commissioner may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the Commissioner or Deputy Commissioner by an advocate or attorney for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The Commissioner or the Deputy Commissioner authorized under sub-section (2) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1), exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898.

Central Act V of 1898.

(4) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within thirty days from the date of such order, appeal to the [1][State] Government who may, after considering all the circumstances of the case, confirm, vary or rescind the order. Where an appeal is preferred to the [1][State] Government under this sub-section, they may at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioner's order, pending the passing of final orders on the appeal.

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(5) No order passed by the Commissioner under sub-section (1) or by the [1] [State] Government under sub-section (4) shall be called in question in any Court except on one or more of the following grounds, namely :—

(*a*) that the procedure laid down in sub-section (2) was not followed ;

(*b*) that there was no material upon which the order could have been based ; or

(*c*) that there was no sufficient ground for believing that witnesses were not willing to come forward to give evidence in public against the person in respect of whom the order was made.

(6) (*a*) Any person who is guilty of the breach of any direction given to him under sub-section (1) or sub-section (4) shall be punishable with imprisonment which may extend to two years or with fine or with both.

(*b*) If any person directed under sub-section (1) or sub-section (4) to remove himself outside the City of Madras fails or refuses to do so or re-enters the said City while such direction is in force, the Commissioner may, in lieu of or in addition to prosecuting such person under clause (*a*), cause him to be arrested and removed in police custody to such place outside the said City as he may direct.

(7) Nothing in this section shall be deemed to require any Police-officer to disclose to the person against whom an order is made under sub-section (1) or to any Court the sources of his information or any fact the communication of which, might, in the opinion of the Commissioner, lead to the disclosure of the identity or name of any informant.]

Brothels.

52. If the Commissioner has reason to believe that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, he may summon the owner or tenant of the house, and on being satisfied that the house is so used and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it.

Penalty for cruelty to animals.

53. Whoever cruelly beats, ill-treats or tortures any animal, or causes any animal to be cruelly beaten, ill-treated or tortured, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

Appointment of infirmary for animals.

[2] **54.** The [3] [State Government] may from time to time appoint places to be infirmaries for the care and treatment of

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[2] For instance of a notification under the powers conferred by this section *see* the List of Local Rules and Orders.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

animals in respect of which an offence has been committed under the last preceding section, and may nominate fit persons to give certificates of discharge from such infirmary.

Magistrate may order animal to be destroyed or sent to infirmary.

55. Upon conviction of an offence under section 53 of this Act, a Magistrate may after due inquiry order that the animal in respect of which the offence has been committed shall either be destroyed or be sent for care and treatment to an infirmary; and the Magistrate may by his order direct that the reasonable expenses of such care and treatment, or any portion thereof, shall be paid by the owner of such animal.

Animals sent to infirmary may be detained and shall be removed after notice.

56. Every animal so sent for treatment may be detained at the infirmary until its discharge is authorized by a person nominated under section 54; and thereupon the person in charge of the infirmary shall give notice to the owner of the animal, requiring him to pay any sum due under the order of the Magistrate on account of the care and treatment of the animal, and to remove it from the infirmary within forty-eight hours from the service of such notice.

In default of payment by owner of charges, etc., animal may be sold.

57. If the owner shall refuse or neglect to pay the sum due and to remove the animal within the time specified in section 56, any Magistrate may direct that the animal be sold, and that the proceeds, deducting costs of sale, be applied to the payment of the sum due. Any surplus shall, on application within two months from date of sale, be paid to the owner of the animal, and in default of such application shall be forfeited to Government, but the owner shall not be liable to make any payment in excess of the net proceeds of such sale.

Magistrate may order delivery of animal to owner.

58. Any Magistrate may, at any time and upon such terms as he thinks fit, direct that any animal detained under the provisions of section 55 of this Act shall be delivered to the owner thereof.

Costs of inquiries.

59. All costs of inquiries under section 55 of this Act shall be recoverable in the manner provided for the levying of fines from such persons connected with the inquiry as the Magistrate may direct.

Stray animals to be impounded.

60. It shall be lawful for all persons to seize any cattle found straying upon any [1] [public place], or trespassing on any [2] [private grounds], and to confine such cattle in any pound appointed by the Commissioner and if such cattle shall not be redeemed by the owners within ten days after being so impounded by paying to the person having charge of such pound the fee of eight annas for every goat, sheep or pig, and

[1] These words were substituted for the words "road, street or thoroughfare" by section 2 (iv) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2(1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were substituted for the words "public or private grounds" by *ibid.*

one rupee for every other animal, together with the expenses of feeding the same while impounded, according to such daily rate as may from time to time be fixed by the Commissioner, such cattle shall be publicly sold, and the proceeds of such sale, after paying the said fee and the expenses of feeding, shall be paid to the owners thereof, or in default of their claiming such proceeds for the space of fifteen days after such sale, shall be credited to any fund applicable to Police purposes.

Powers of Police and the Madras Fire Service on the occasion of a fire.

61. On the occasion of a fire in the City of Madras, the Commissioner or any Police-officer above the rank of constable [1] [or any member of the Madras Fire Services above the rank of fireman] may—

(*a*) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and may close any street or passage in or near which any fire is burning;

(*b*) by himself or those acting under his orders break into or through, or pull down, or use for the passage of hoses or other appliances any premises for the purpose of extinguishing the fire, doing as little damage as possible;

(*c*) cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(*d*) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(*e*) generally, take such measures as may appear necessary for the preservation of life and property.

Any damage done on the occasion of fires by members of [2] [the Madras Fire Services or of] any fire-brigade or by Police-officers or their assistants in the due execution of their duties shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire. But nothing in this section shall exempt any officer of Police or any member of [2] [the Madras Fire Services or of] any fire brigade from liability to damages on account of any acts done by him without reasonable cause.

Cost of establishments, etc., for extinguishing fire to be defrayed by the municipality.

62. All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the [3] [State Government] for general use, and all expenses incurred on the occasion of any fire by the Police in the execution of their duty, shall be paid by the Municipal Commissioners for the City of Madras upon the Commissioner certifying the amount thereof.

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[1] These words were inserted by section 2 (i) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947).

[2] These words were inserted by section 2 (ii), *ibid.*

[3] The words " Provincial Government " were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial " by the Adaptation Order of 1950.

[1] [62-A. Whoever gives or causes to be given to any fire-brigade in the City of Madras or [2][to any member thereof or to any member of the Madras Fire Services having jurisdiction over the City or any part thereof] whether by means of a street fire-alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be liable on conviction to fine which may extend to fifty rupees.] Penalty for false alarm of fire.

[3] [Whoever is convicted under this section, after having been previously convicted either under this section or under section 43 of the Madras District Police Act, 1859, shall be liable to simple imprisonment for a period which may extend to six months and shall also be liable to fine.]

Central Act XXIV of 1859.

63. Whoever without reasonable excuse wilfully enters into or on any dwelling-house or other building, or on any land or ground attached thereto, or on any boat or vessel, or on any ground belonging to the [4][Government] or appropriated to public purposes, shall be liable on conviction to fine not exceeding twenty rupees. Penalty for wilful trespass.

64. Whoever is found between sunset and sunrise— Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered or otherwise disguised with intent to commit an offence, or

(3) in any dwelling-house or other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any [5][bazaar, yard or public place], being a reputed thief and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police-officer without a warrant, and shall be liable on conviction to imprisonment for any term not exceeding three months.

65. Whoever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulently obtained and Penalty for possession of property believed to have been stolen.

[1] Section 62-A was inserted by section 2 of the Madras City Police (Second Amendment) Act, 1933 (Madras Act XIII of 1933).

[2] These words were substituted for the words " to any officer or fireman thereof " by section 2(iii) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947).

[3] This paragraph was added by section 2 (iv), *ibid.*

[4] The word " Crown " was substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[5] These words were substituted for the words " bazaar, street, road, yard, thoroughfare, or other place " by section 2 (v) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

for the possession of which he fails satisfactorily to account, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding three months.

Penalty for buying or taking pledge from a child.

66. Whoever, without the knowledge and consent of the owner, buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to such child, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for introducing spirits, etc., into barracks or on board vessels of war.

67. Whoever introduces, or attempts to introduce, into Fort St. George or into any military barracks, guard-room or encampment or on board any vessel of war belonging to [1][Government] any spirituous or fermented liquor or intoxicating drug or preparation, without the licence in writing of the Commanding Officer and not intended for some person above the rank of non-commissioned officer, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding two months, and such liquor, drug or preparation, and the vessels containing the same, shall be liable to be forfeited.

Penalty for introducing spirits, etc., into hospitals.

68. Whoever introduces, or attempts to introduce, without due permission into any public hospital, any spirituous or fermented liquor or intoxicating drug or preparation shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding two months.

Penalty for carrying weapon without authority.

69. Whoever, not being a soldier or sailor [2][in the Indian Army or Navy] or a Police-officer or a member of a Volunteer corps, goes armed with any sword, spear, gun or other offensive weapon in any public place, unless by leave of the Commissioner, shall be liable to be disarmed by any Police-officer, and the weapon so seized shall be forfeited to Government unless redeemed by payment of such fine not exceeding ten rupees as the Commissioner may impose.

Penalty for harbouring deserters from vessels.

70. Whoever wilfully harbours or conceals any seaman or apprentice belonging to any vessel knowing or having reason to believe such seaman or apprentice to be a deserter, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for certain offences in public place.

71. Whoever, in any [3][public place] commits any of the following offences, shall be liable on conviction to fine not

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[1] This word was substituted for the words " Her Majesty " by the Adaptation Order of 1950.

[2] These words were substituted for the words " in the Army or Navy of the Queen " by the Adaptation (Amendment) Order of 1950.

[3] These words were substituted for the words "public street, road, thoroughfare or place of public resort " by section 2 (vi) (*a*) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

exceeding fifty rupees, or to imprisonment which may extend to one month : —

i Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent manner. — Rash or negligent driving.

ii Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle. — Causing obstruction by negligence in driving cattle.

iii Whoever drives, rides or leads any elephant or camel without permission from the Commissioner. — Driving, etc., elephant or camel without Commissioner's permission.

[1][iv * * * *]

[2][v Whoever, without reasonable cause, drives, drags or pushes any vehicle otherwise than in accordance with the rules of the road notified from time to time by the [3][State Government], or fails, to obey the directions of a police-officer for the time being in charge of the regulation of traffic.] — Driving, etc., otherwise than in accordance with the rules of the road.

vi Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof. — Driving, etc., vehicles without springs otherwise than on side of road.

vii Whoever leads or rides any animal, or drives, drags or pushes any vehicle, upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way. — Driving, etc. animal or vehicle on a foot-way.

viii Whoever permits any cattle or vehicle to be under the control of a child under the age of twelve years. — Permitting cattle or vehicle to be under control of child.

ix Whoever, being in charge of any vehicle or cattle, leaves it or them at such distance as not to have the same under due control. — Leaving vehicle or cattle without due control.

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[1] Clause iv was omitted by section 2 of the Madras City Police (Amendment) Act, 1940 (Madras Act VII of 1940). This was permanently re-enacted by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[2] This clause was substituted for the original clause v by section 8 (i) of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State" was substituted for " Provincial " by the Adaptation Order of 1950.

Exposing for show animal or vehicle, making or repairing vehicle, or training horses except as allowed by Commissioner.

x Whoever cleans or exposes for show, hire or sale any animal or vehicle, or makes or repairs any part of any vehicle except in cases of accident where repair on the spot is necessary, or trains or breaks any horse except in such places and at such times as may be allowed by the Commissioner.

Obstructing thoroughfare.

xi Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading, except at places appointed for the purpose by the Commissioner, or fastens any horse or other animal so as to cause obstruction; or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

Letting loose horses or ferocious dogs.

xii Whoever negligently lets loose any horse, or suffers any ferocious dog to be at large without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

Conveying article which projects more than five feet.

xiii Whoever conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed.

Flying a kite, wantonly frightening horse, etc.

xiv Whoever flies a kite or wantonly frightens any horse, or in driving, dragging or pushing any vehicle creates a noise reasonably calculated to cause danger to the persons using the thoroughfare.

Playing music, beating tom-tom, etc.

xv Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music [1][or uses any sound amplifier] [2][except at such times and places and subject to such conditions as shall, from time to time, be allowed] by the Commissioner.

Affixing bills or defacing walls.

[3][xvi Whoever, without the consent of the owner or occupier, in any manner affixes or causes to be affixed any bill, notice, document, paper or other thing upon the [4][public place] or upon any building, monument, statue, effigy, post, wall, fence, tree or other erection therein, or in any manner defaces, disfigures, writes upon or otherwise marks, or causes to be defaced, disfigured, written upon, or otherwise

[1] These words were inserted by section 2 (vi) (*b*) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were substituted for the words "except at such times and places as shall be, from time to time, allowed" by *ibid.*

[3] This clause was substituted for the original clause xvi by section 8 (ii) of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

[4] These words were substituted for the words "street, road, thoroughfare or place of public resort" by section 2 (vi) (*c*) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

marked, the [1] [public place] or any such building, monument, statue, effigy, post, wall, fence, tree or erection.]

Bathing in public street or aqueduct.

xvii Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

Intruding on or fouling bathing-place.

xviii Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place by wilful intrusion, or by washing cattle or dogs at or near such place, or in any other way.

Using indecent or threatening language.

xix Whoever uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

[2] [xx * * * * *]

[3] [xxi * * * * *]

Penalty for begging in public places.

[4] [**71-A.** Whoever in any public street, road, or thoroughfare or any place of public resort, begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of extorting alms, shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to one month.

Definitions of "workhouse" and "special home".

71-B. In sections 71-C to 71-L—

(*a*) 'workhouse' shall mean a place notified by the [5] [State] Government in the *Fort St. George Gazette* as suitable for the reception of persons physically capable of ordinary manual labour, who are committed to a workhouse under any of the provisions contained in the said sections; and

(*b*) 'special home' shall mean a place notified by the [5] [State] Government in the *Fort St. George Gazette* as suitable for the reception of persons not physically capable of ordinary manual labour, who are committed to a special home under any of the provisions contained in the said sections.

Application of sections 71-D to 71-I.

71-C. The provisions of sections 71-D to 71-G shall apply only if the [5] [State] Government have notified a place

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[1] These words were substituted for the words "street, road, thoroughfare or place of public resort" by section 2 (vi) (*c*) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] Clause xx was repealed by section 3 of the Madras Suppression of Immoral Traffic Act, 1930 (Madras Act V of 1930).

[3] Clause xxi was omitted by section 2 of the Madras City Police (Amendment) Act, 1941 (Madras Act XIII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

[4] Sections 71-A to 71-L were inserted by section 3 *ibid* and sections 71-B to 71-L came into force on 1st January 1944.

[5] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

as a workhouse or as a special home ; the provisions of section 71-H shall apply if the [1] [State] Government have notified a place as a workhouse ; and the provisions of section 71-I shall apply if the [1] [State] Government have notified a place as a special home.

Persons arrested for offence under section 71-A to be examined by medical officer.

[2] (**71-D.** Any person arrested by a Police-officer for an offence punishable under section 71-A, who in the opinion of such Police-officer has attained the age of sixteen years, shall be informed, as soon as may be, of the grounds for such arrest, and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate ; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. The Magistrate shall without delay order the person to be taken before a medical officer attached to the Police department and the medical officer shall after examining such person grant a certificate regarding his age and physical capacity for ordinary manual labour.)

Arrested person to be produced before Juvenile Court, if found to be under 16.

71-E. If in the opinion of such medical officer the person arrested has not attained the age of sixteen years, such person shall without delay be produced, together with the certificate of the medical officer, before a Juvenile Court referred to in sub-section (1) of section 71-K and the provisions of that section shall then apply to the case.

Arrested person to be produced before salaried Presidency Magistrate, if found to be 16 or over.

71-F. (1) If in the opinion of such medical officer the person arrested has attained the age of sixteen years, he shall without delay be produced before a salaried Presidency Magistrate together with the certificate and a report by a Police-officer of the facts of the case.

(2) The Magistrate shall make a summary inquiry into the facts of the case and the circumstances and the character of the person produced before him.

(3) During such inquiry the Magistrate shall explain to such person the facts alleged against him in the Police report and record any statement which he may wish to make with reference thereto.

(4) If such person disputes the correctness of the Police report in any material respect, the Magistrate shall proceed as nearly as may be in accordance with the procedure laid down for the trial of summons cases in the Code of Criminal Procedure, 1898. Central Act V of 1898.

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[1] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

[2] This section was substituted for the original section 71-D by the Adaptation (Amendment) Order of 1950.

Orders to be passed by Magistrate if he finds accused to be under 16.

71-G. If the Magistrate finds that the person in respect of whom an inquiry is made under section 71-F is guilty of an offence under section 71-A, but has not attained the age of sixteen years, the Magistrate may pass any order which a Juvenile Court could have passed if such person had been produced before it under sub-section (1) of section 71-K.

Power of Magistrate to commit able-bodied accused of 16 or over, to work-house.

71-H. (1) If the Magistrate finds that the person in respect of whom such inquiry is made is guilty of an offence under section 71-A, has attained the age of sixteen years, and is physically capable of ordinary manual labour, the Magistrate may, if there is a workhouse, instead of sentencing him under section 71-A, order his committal to such workhouse for a specified period not exceeding three years :

Provided that the Magistrate may in his discretion order the release of such person if he gives an undertaking in writing that he will not again commit an offence under section 71-A for such period not exceeding two years as the Magistrate may direct.

(2) Any person who commits an offence under section 71-A in breach of an undertaking given by him under the proviso to sub-section (1), shall, if in the opinion of the Magistrate he is physically capable of ordinary manual labour, be punishable with imprisonment for a term which may extend to six months :

Provided that the Magistrate may, instead of sentencing the offender as aforesaid, order his committal to a workhouse for a specified period not exceeding three years.

Power of Magistrate to commit accused who is not able-bodied to special home.

71-I. If the Magistrate finds that the person in respect of whom an inquiry is made under section 71-F is guilty of an offence under section 71-A and has attained the age of sixteen years but is not physically capable of ordinary manual labour, the Magistrate may, if there is a special home, instead of sentencing him under section 71-A, order his committal to such home for a specified period not exceeding three years.

Extension of period of detention.

[1] [**71-II.** On the application of any person detained in a workhouse or special home under this Act and after considering the remarks of the officer in charge of the workhouse or special home on such application and hearing any representations which may be made by or on behalf of the applicant, a salaried Presidency Magistrate may order the continuance of the detention of the applicant in the workhouse or special home for a further period not exceeding, on each occasion, two years from the date on which his detention will otherwise expire, if the Magistrate is satisfied that such continuance is desired by the applicant and would be in his interest.]

[1]This section was inserted by section 2 (ii) of the Madras City Police (Amendment) Act, 1949 (Madras Act XLII of 1949).

Magistrate's finding regarding age to be final.

71-J. Where a Magistrate has arrived at a finding regarding the age of a person dealt with by him under section 71-G, 71-H or 71-I, such age shall, for the purposes thereof, be deemed to be his true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that the age of such person was not correctly determined by the Magistrate.

Production of arrested person under 16 before Juvenile Court, and procedure and powers of such Court.

71-K. (1) [1] [If any person arrested by a Police-officer for an offence punishable under section 71-A has, in the opinion of such Police-officer, not attained the age of sixteen years, he shall be informed, as soon as may be, of the grounds for such arrest, and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. On such production, the Magistrate shall without delay direct the person to be taken before a Juvenile Court established under sub-section (1) of section 36 of the Madras Children Act, 1920. The person shall then be dealt with under the provisions of that Act as modified by the provisions of this section :] Madras Act IV of 1920.

Provided that if the Juvenile Court is satisfied on inquiry that such person has attained the age of sixteen years, it shall record a finding to that effect, and thereupon it shall be open to the Police to proceed against such person under section 71-A, or if there is a workhouse or a special home, under section 71-D ; and in the latter case the medical officer referred to in section 71-D shall be required to certify only regarding the physical capacity of such person for ordinary manual labour, and the finding of the Juvenile Court regarding the age of such person shall also be binding on the salaried Presidency Magistrate before whom he may be produced.

(2) If the Juvenile Court finds on inquiry that any person brought before it under sub-section (1) has not attained the age of fourteen years and is guilty of an offence under section 71-A and that he—

(*a*) has no home or settled place of abode or visible means of subsistence, or has no parent or guardian, or has a parent or guardian who does not exercise proper guardianship, or

(*b*) is destitute and both his parents or his surviving parent, or in the case of an illegitimate child, his mother, are or is undergoing transportation or imprisonment, or

[1] This paragraph was substituted for the opening paragraph by the Adaptation (Third Amendment) Order, 1951.

(*c*) is under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to have such care, the Court may pass such order in respect of the offender as it could have passed if he had been brought before it under sub-section (1) of section 29 of the Madras Children Act, 1920 :

Madras Act IV of 1920.

Provided that if the Juvenile Court is satisfied that it is inexpedient to send the offender to a certified school by reason of his bodily ailment or incapacity or other cause, the Court may, if there is a special home and separate accommodation is provided in such home for persons who have not attained the age of fourteen years, order his committal to such home for a specified period not exceeding three years.

(3) If the Juvenile Court finds on inquiry that a person produced before it under sub-section (1) has attained the age of fourteen years but has not attained the age of sixteen years and that he is guilty of an offence under section 71-A, the Court may order his committal for a specified period not exceeding three years—

(*a*) in case it finds that he is physically capable of ordinary manual labour, to a work-house, if there is one, and

(*b*) in case it finds that he is not physically capable of ordinary manual labour, to a special home, if there is one.

[**71-L.** (1) The [1][State] Government may, by notification in the *Fort St. George Gazette*, make rules for carrying into effect the provisions of sections 71-B to 71-K.

Power of State Government to make rules for carrying into effect sections 71-B to 71-K.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the management of work-houses and special homes, the detention of persons committed to such work-houses and special homes, and the maintenance, care, treatment and instruction of such persons, including all matters relating to their diet and accommodation as well as their labour and general conduct ;

(*b*) the discharge of persons from such work-houses and special homes ;

(*c*) the obtaining of suitable employment outside such work-house and special homes for persons detained therein ; and

(*d*) the nature, incidents and maximum periods of the punishments to be imposed on persons detained in work-houses and special homes for breach of any rules or for failure or neglect to accept any suitable employment outside such work-houses and special homes which may be obtained for them.]

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[1] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

Maximum laden weight of hand-carts, etc.

[1][71-M. (1) The maximum laden weight of a hand-cart shall not exceed the following limits :—

	If the cart is fitted with pneumatic tyres on both or all the wheels.	In other cases.
	CWT.	CWT.
(i) When the cart is dragged or pushed by one person.	7	6
(ii) When the cart is dragged or pushed by two persons.	14	12
(iii) When the cart is dragged or pushed by three persons.	23	18
(iv) When the cart is dragged or pushed by four persons or more	30	24

(2) The height of a load on a hand-cart shall not exceed the limit, if any, laid down in by-laws made under this Act.

(3) No person under the age of eighteen years shall drag or push a hand-cart, whether by himself or along with others.

(4) If a hand-cart is dragged or pushed in contravention of the provisions of sub-section (1), (2) or (3), any person who so drags or pushes it, and also any person employing him or in any way responsible for or abetting such contravention or employment, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees.]

Penalty for gambling, cock-fighting in public place.

72. Whoever is found gaming with cards, dice, counters, money, or other instruments of gaming in any [2][public place], or publicly fighting cocks, or present as a spectator of such gaming or cock-fighting, shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding one month ; and such instruments of gaming and money shall be forfeited.

Penalty for committing nuisance in public place.

73. Whoever in or by the side of or near to any [3][public place], wilfully and indecently exposes his person, or commits a nuisance by easing himself, and whoever having the care or custody of any child under seven years of age omits to prevent such child from committing a nuisance as aforesaid, shall be liable on conviction to fine not exceeding fifty rupees.

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[1] Section 71-M was inserted by section 2 of the Madras City Police (Amendment) Act, 1947 (Madras Act XXVIII of 1947).

[2] These words were substituted for the words "public street, place or thoroughfare" by section 2 (vii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[3] These words were substituted for the words "public street, thoroughfare or place of public resort" by section 2 (viii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

Penalty for lighting bonfire, burning straw, discharging fire-arm, etc., in or near any public place.

74. Whoever, except at such times and places as the Commissioner may allow, in or near any [1][public place] lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire-arm or air-gun, lets off or discharges any firework, or sends up any fire-balloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees. In the event of any such act being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

Penalty for drunkenness or riotous or indecent behaviour in public place, etc.

75. Whoever is found drunk and incapable of taking care of himself, is guilty of any riotous, disorderly or indecent behaviour [2][in any public place, in any place of public amusement], or on board any passenger boat or vessel, and whoever is guilty of any violent, disorderly or indecent behaviour in any Police-court, office, or station, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Penalty for breach of condition of licences.

76. For any breach of any of the conditions of a licence granted under this Act, the offenders shall be liable on conviction to fine not exceeding one hundred rupees, and such fine may be recovered from the person licensed notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place. Any person so convicted shall also be liable to the forfeiture of his licence at the discretion of the Commissioner.

Fee for licence.

77. For every licence or permission granted under this Act, the Commissioner may levy such fee not exceeding two rupees as may from time to time be fixed by the [State Government].

Power to make by-laws.

78. The [3][State Government] may make by-laws consistent with this Act for more effectually carrying out the objects thereof and for the preservation of order, and may from time to time repeal, alter or amend any such by-law.

By-laws to be published in English and vernacular.

79. Every by-law shall be published in the [4][Official Gazette] in English, Tamil, Telugu and Hindustani ; and no by-law shall have effect until the expiration of one month from the date of its first publication in the [4][Official Gazette].

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[1] These words were substituted for the words " street, road or thoroughfare " by section 2 (ix) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Madras Re-enacting Act, 1949 (Madras Act X of 1949).

[2] These words were substituted for the words " in any street or thoroughfare in any place of public amusement or resort " by section 2 (x) *ibid.*

[3] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[4] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

Penalty for breach of by-law.

80. For any breach of any such by-law, the offender shall be liable on conviction to fine not exceeding ten rupees or to imprisonment not exceeding one week.

Limitation of actions.

81. On account of [1][anything done or intended to be done under the provisions of this Act, or under the provisions of any other law for the time being in force conferring powers on the police], no action shall be brought after the expiration of six months, and no prosecution shall be instituted after the expiration of three months, from the date on which the act complained of shall have been committed. And no action shall lie in respect of any action on account of which a criminal prosecution [2]has been instituted and has failed].

Saving of penalty provided by other law.

82. Nothing in this Act contained shall be construed to prevent any person from being liable under any other law to any other or higher punishment than is provided by this Act: Provided that no person shall be punished twice for the same offence.

SCHEDULE.

[*Repealed by the Repealing and Amending Act*, 1901 (*Central Act XI of* 1901), *Third Sch., Pt. III.*]

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[1] These words were substituted for the words "anything done either under provisions of this Act or under the provisions of any other law for the time being in force, conferring powers on the police" by section 2 (v) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947).

[2] These words were substituted for the words "has been instituted and failed" by section 3 (1) of and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).